

IN the UNITED STATES District Court
For the western District of PENNSYLVANIA

Tyrone GREEN
Plaintiff

v.

MARTIN Horn, Et al,

°
:
:
:
:

No. 03-149 Erie

Judge ~~Mc~~ McLaughlin

Magistrate Judge BAXTER

Motion to broaden the
Claim Against Dr. BAKER

1) Upon NEW information revealed on pg. 10, of Dr. BAKER's Joint brief in support of Joint motion for summary Judgment Dr. BAKER revealed that PLAINTIFF was ordered to receive Physical therapy on 10-12-01 Per: Dr. Ferretti.

On the above mention page Dr. BAKER states: "Also

a) on October 12, 2001, Dr. Ferretti ordered ANOTHER X-RAY OF PLAINTIFF's right hand AND "Physical Therapy."

3) It is clear by all medical records that Dr. BAKER AND the SCI-Albion medical STAFF did NOT comply with Dr. Ferretti's order. PLAINTIFF WAS denied Follow-up care in the Form of Physical therapy AS pre-scribe by Dr. Ferretti, thus being deliberately INDIFFERANT to PLAINTIFF serious medical need.

4) PLAINTIFF NEVER received the Prescribe therapy, INFACT PLAINTIFF had to request Physical therapy SEE: the Progress notes date 10/25/01, where it states; "WANTS 'PT' (Physical therapy) For hand." Correction defendants' motion For summary Judgment,

- 5) I WAS'NT UNTIL PLAINTIFF COMPLAINED OF NEEDED PHYSICAL THERAPY ON 10-25-01, THAT HE WAS ALLEGELY SHOWN HOW TO DO IT HIMSELF. SCI-ALBION HAS A PHYSICAL THERAPY ROOM FOR THIS PURPOSE, AND PLAINTIFF IS SURE THE ORDER BY DR. FERRETTI ON 10-12-01 WAS INTENDED FOR THE PHYSICAL THERAPY TO TAKE PLACE THERE, INSTEAD OF TWO WEEKS LATER BY TELLING PLAINTIFF TO DO IT HIMSELF IN HIS JAIL CELL.
- 6) MARTINEZ V. MANCUSI, 443 F.2d 921 (2d Cir 1970), IN THAT CASE PRISON DOCTOR FAILED TO FOLLOW THE ORDER OF SURGEON WHO ATTENDED TO THE PRISONER.
- 7) AMONG OTHER CASE IT HAS LONG BE HELD THAT IF AN ATTENDING PHYSICIAN GIVES AN ORDER OR RECOMMENDATION PRISON OFFICIALS ARE OBLIGATED TO FOLLOW IT.
- 8) IT'S DR. BAKER OWN ASCERTION THAT PLAINTIFF WAS TO RECEIVE PHYSICAL THERAPY ON 10-12-01 PER DR. FERRETTI. PLAINTIFF NEVER RECEIVE SUCH THERAPY WHICH CONSTITUTES "NEGLECT."
- 9) WHEREFORE, PLAINTIFF HUMBLY ASK THIS COURT TO ALLOW HIM TO BROADEN THE CLAIM AGAINST DR. BAKER AND THE SCI-ALBION MEDICAL STAFF. DEFENDANTS WILL NOT BE PREJUDICE BECAUSE ITS THEIR OWN ASCERTION.

PROOF OF SERVICE

I hereby certify that a true and correct, Motion to broaden charges/claim against Dr. Baker, and Respond to defendant Dr. Baker motion For summary Judgment, and Response to defendant D.O.C. Motion For summary Judgment, was served by institutional mail on the date 12-23-05, as being true and correct, to the below Parties.

SCOTT BRADLEY
6th Floor, MANOR complex
564 FORBES AVE
PITTS, PA. 15219

ELIZABETH M. VANELLI, ESQUIRE
THE THIRTY-EIGHTH FLOOR
ONE OXFORD CENTRE
PITTS, PA. 15219

Tyrene Green

CA 03-149 E

Hello, Your Honor

12-23-05

CAN YOU PLEASE INFORM ME THAT
THE COURT HAS RECEIVED THESE THREE MOTIONS
IN RESPONSE TO THE DEFENDANTS MOTION FOR
SUMMARY JUDGMENT.

I HAVE BEEN HAVING PROBLEM WITH
MY MAIL CONCERNING THIS LAW SUIT.

I WROTE THE COURT ON 12-21-05 ABOUT
A PROBLEM I WAS HAVING, AFTER I COMPLAINED
AND FILED PAPER WORK THE PROBLEM WAS FIXED

PLAINTIFF WILL LIKE TO WITH-DRAW HIS
REQUEST FOR AN EXTENSION OF TIME.

THANK YOU
Nymon Green

PLEASE EXCUSE THE WAY I ADDRESSED
THE ENVELOPE, I DON'T WANT THE JAIL TO
KNOW I'M SENDING MAIL TO THE COURT